

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

STEPHEN B. AUGER

Serial No. 08/865,419

Filed: May 28, 1997

For: MINERAL STAINS FOR WOOD AND OTHER SUBSTRATES



Art Unit: 1751

Examiner: C. Dusheck

RESPONSE

To the Commissioner of Patents and Trademarks

Sir:

In response to the office action dated May 7, 1998, the Applicant provisionally elects Group I claims, which include claims 1 and 30-36. Failure to include 31-36 in Group I appears to have been an oversight in the office action.

The requirement for election is traversed.

There is no reason for a restriction between claims of Group II and Group III. Both Groups of claims are examined in the same class and subclass, as indicated on page 2 of the office action.

Claims 1 and 2 are definitions of the kit and the method for using the kit. The process as claimed cannot be practiced by a materially different apparatus. Claim 2 is substantially identical in scope to claim 30. The dependent claims have similar scopes, moreover. The apparatus as claimed cannot be used to practice another and materially different process for the same reasons as above stated. Requiring a restriction between Groups I and II is not proper.

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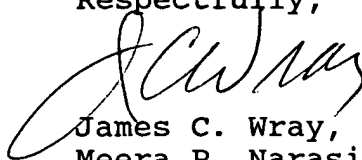
Requiring a restriction between Groups II and III is not proper for the reasons above stated, and also for the reasons that the process as claimed cannot be used to make another and materially different product, and the product as claimed cannot be made by another and materially different process.

Claim 23 is a linking claim which requires the method of claim 2. Therefore there can be no separation of claims in Groups II and III.

Requiring a restriction between Groups I and III is improper because the apparatus as claimed cannot be used for making a different product, and the product as claimed cannot be made by another and materially different apparatus for the reasons above stated. Moreover, claim 23 is a linking claim which causes identity between the claims of Group II and Group III. Claim 23 requires the method of claim 2, and the method of claim 2 as claimed is substantially identical to the kit of claim 30 as claimed.

Reconsideration and allowance are requested.

Respectfully,



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June 1, 1998